

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

SFA SYSTEMS, LLC f/k/a  
TRITON IP, LLC

v.

INFOR GLOBAL SOLUTIONS  
(MICHIGAN), INC., et al.

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CIVIL ACTION NO. 6:07-cv-067[LED]

JURY

**INFOR'S OPPOSITION TO SFA'S MOTION FOR  
SUMMARY JUDGMENT ON VALIDITY OF CLAIMS 41 AND 42**

**I. Introduction**

SFA's Motion for Summary Judgment on the validity of claims 41 and 42 of the '525 patent is based on a single premise: that Infor failed to provide any evidence (either in its infringement contentions or its expert report on invalidity) that claims 41 and 42 are invalid in view of any of the asserted prior art. While Infor believes that the substance of its invalidity position as to claims 41 and 42 was included in Appendix C to Dr. Cooke's report, SFA is correct that – as Infor first became aware upon SFA's filing of this motion on August 3, 2009 and, albeit, inadvertently – Infor has not provided any claim charts regarding its invalidity position relative to claims 41 and 42. This omission was inadvertent and, therefore, Infor respectfully requests that the Court allow it the opportunity to correct this inadvertent error.

**II. Response to SFA's Statement of Undisputed Material Facts**

Infor agrees with SFA's statement insofar as Infor did not specifically chart claims 41 or 42 in any of its invalidity contentions or Dr. Cooke's report. Infor states, however, that the substance of its invalidity position was disclosed in Appendix C to Dr. Cooke's report.

**III. Dr. Cooke's Report Identifies Where the References Disclose the "Expert System"**

**A. Identification of "Expert System" Disclosure by Stone**

One of the references asserted as invalidating prior art by Infor, an article by Robert Stone

and David Good, addresses expert systems in great detail.<sup>1</sup> The Stone article is entitled “Expert Systems and Sales Strategies.” Moreover, in charting the Stone article against the other claims of the ‘525 patent, Appendix C to Dr. Cooke’s report, Ex. 8 to SFA’s Motion, discusses the Stone article’s analysis of an expert system on pages 294, 295, 296, 297, 298, 299, 301, 303, 305, 307, 309, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322. Clearly, the Stone article’s disclosure of an expert system is described in great detail in Appendix C. However, inadvertently, Infor failed to chart the Stone article against claims 41 and 42.<sup>2</sup>

**B. Allowing this Minor Amendment Would Not Prejudice SFA**

In view of the fact that the Stone article’s disclosure of expert system is discussed in great detail in Appendix C to Dr. Cooke’s report, there is no basis for prejudice to SFA. Moreover, because this issue arises from Infor’s inadvertent mistake, Infor is willing to make its expert available for an additional deposition, at Infor’s own cost, to remedy any potential prejudice.

**IV. Conclusion**

For all the foregoing reasons, Infor respectfully requests that the Court deny SFA’s motion and permit Infor to amend its invalidity contentions

Date: August 20, 2009

Respectfully submitted,

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<sup>1</sup> Although claim 42 includes limitations other than merely an “expert system,” under the Court’s construction, any disclosed expert system would necessarily satisfy those additional limitations.

<sup>2</sup> In addition, Dr. Cooke’s supplemental report, which is currently the subject of a motion for leave, addresses claims 41 and 42. Dr. Cooke’s supplemental report is attached hereto as Exhibit 1.

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with this document pursuant to L.R. CV-5(a)(7) on this 20th day of August 2009. Any other counsel of record will be served by facsimile transmission.

/s/ Alfred W. Zaher  
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